

2. Joinder of Other Parties and Amendment of Pleadings. All motions to join other parties and amend the pleadings shall be filed on or before May 5, 2006.

3. Reliance Upon Advice of Counsel. Defendant shall inform plaintiffs whether it intends to rely upon advice of counsel as a defense to willful infringement no later than September 1, 2006. If defendant elects to rely on advice of counsel as a defense to willful infringement, defendant shall produce any such opinions on which defendant intends to rely to plaintiff no later than September 1, 2006.

4. Markman Claim Construction Hearing. A *Markman* claim construction hearing shall be held on December 14, 2006 at 10:00 a.m. The *Markman* hearing is scheduled for a total of two (2) hours with each side having one (1) hour. The parties shall meet and confer regarding narrowing and reducing the number of claim construction issues. On or before October 13, 2006, the parties shall submit a Final Joint Claim Chart which shall include citations to intrinsic evidence. The parties shall exchange opening claim construction briefs on October 27, 2006, and the answering claim construction briefs on November 17, 2006.

5. Discovery. All fact discovery in this case shall be initiated so that it will be completed on or before September 29, 2006. Each side will have 160 hours to depose fact witnesses, including Rule 30(b)(6) witnesses. Witnesses may be noticed to be deposed for up to one seven-hour day. The parties will stipulate to extend a fact witness deposition beyond the seven hour limit for good cause shown.

Expert discovery in this case shall be initiated so that it will be completed on or before March 7, 2007. Each side will have 160 hours to depose expert witnesses. Expert witnesses may be noticed to be deposed for up to two seven-hour days. Opening expert

reports shall be served no later than January 10, 2007. Answering expert reports shall be served no later than January 31, 2007.

a. **Discovery and Scheduling Matters:** Should counsel find they are unable to resolve a discovery or scheduling matter, the party seeking the relief shall contact chambers at (302) 573-6470 to schedule a telephone conference. Not less than forty-eight hours prior to the teleconference, the parties shall file with the court, via electronic means (CM/ECF), a **joint, non-argumentative** letter agenda not to exceed two (2) pages outlining the issue(s) in dispute. Should the court find further briefing necessary upon conclusion of the telephone conference, unless otherwise directed, the party seeking relief shall file with the court a **TWO PAGE LETTER**, exclusive of exhibits, describing the issues in contention. The responding party shall file within five (5) days from the date of service of the opening letter an answering letter of no more than **TWO PAGES**. The party seeking relief may then file a reply letter of no more than **TWO PAGES** within three (3) days from the date of service of the answering letter.

6. Confidential Information and Papers filed under Seal. Should counsel find it will be necessary to apply to the court for a protective order specifying terms and conditions for the disclosure of confidential information, they should confer and attempt to reach an agreement on a proposed form of order and submit it to the court within ten (10) days from the date of this order. When filing papers under seal, counsel should deliver to the Clerk an original and two copies of the papers.

If after making a diligent effort the parties are unable to agree on the contents of the joint proposed protective order, then they shall follow the dispute resolution process outlined in paragraph 5(a).

7. Settlement Conference. Pursuant to 28 U.S.C. § 636, this matter is referred to the United States Magistrate for the purpose of exploring the possibility of a settlement.

8. Summary Judgment Motions. Prior to filing any summary judgment motion, the parties must submit letter briefs seeking permission to file the motion. The opening letter brief shall be no longer than five (5) pages and shall be filed with the Court no later than February 1, 2007. Answering letter briefs shall be no longer than five (5) pages and filed with the Court no later than February 8, 2007. Reply letter briefs shall be no longer than three (3) pages and filed with the Court on or before February 12, 2007. The Court shall hold a telephonic Status Conference to hear argument and to determine whether the filing of any motion for summary judgment will be permitted on February 22, 2007 at 10:00 a.m. **Unless the Court directs otherwise, no letter requests to file a motion for summary judgment may be filed at a time before the dates set forth in paragraph 8.**

9. Case Dispositive Motions. All case dispositive motions and an opening brief and affidavits, if any, in support of the motion shall be served and filed on or before March 8, 2007, or two weeks after the Court renders its decision regarding whether to permit summary judgment motion practice. Answering briefs shall be served and filed twenty-one (21) days after opening briefs; reply briefs shall be served and filed fourteen (14) days thereafter. Any request for extensions of time as set forth in this Scheduling Order **must** be accompanied by an explanation or your request will be denied.

10. Applications by Motion. Except as provided in this Scheduling Order or for matters relating to scheduling, any application to the Court shall be by written motion filed, via electronic means (CM/ECF). Unless otherwise requested by the Court, counsel

shall **not** deliver copies of papers or correspondence to Chambers. Any non-dispositive motion should contain the statement required by Local Rule 7.1.1.

11. Oral Argument. If the Court believes that oral argument is necessary, the Court will schedule a hearing pursuant to District of Delaware Local Rule 7.1.4.

12. Pretrial Conference. On June 11, 2007, beginning at 10:00 a.m., the Court will hold a Pretrial Conference in Chambers with counsel. Unless otherwise ordered by the Court, the parties should assume that filing the Joint Pretrial Order satisfies the pretrial disclosure requirement in Federal Rule of Civil Procedure 26(a)(3). Thirty (30) days before the Joint Proposed Pretrial Order is due, plaintiff's counsel shall forward to defendant's counsel a draft of the pretrial order containing the information plaintiff proposes to include in the draft. Defendant's counsel shall, in turn, provide to plaintiff's counsel any comments on the plaintiff's draft as well as the information defendant proposes to include in the proposed pretrial order. *Motions in limine*: No party shall file more than ten (10) motions *in limine*. Briefing (**opening, answering and reply**) on all motions *in limine* shall be completed by May 14, 2007. The briefing schedule shall be in accordance with Rule 7.1.2 of this Court's Local Rules. Opening and answering briefs shall not exceed five (5) pages and reply briefs shall not exceed three (3) pages. The parties shall file with the Court the joint proposed final pretrial order with the information required by the form of Final Pretrial Order which accompanies this Scheduling Order on or before May 14, 2007.

14. Trial. This matter is scheduled for a seven (7) day jury trial beginning at 9:00 a.m. on July 9, 2007.

15. Scheduling. The parties shall contact chambers, at (302) 573-6470, only in situations where scheduling relief is sought, and only then when ALL participating counsel is on the line for purposes of selecting a new date.

Dated: _____

The Honorable Gregory M. Sleet
United States District Judge

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